

Appl. No. : 09/805,470  
Filed : March 12, 2001

### REMARKS

Applicants respectfully request reconsideration of the present application in view of the following remarks, which are responsive to the April 7, 2004, Office Action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

#### Response to Provisional Rejection of Claims 1-49 Under Obviousness-Type Double Patenting

The Examiner provisionally rejected Claims 1-49 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 of copending Application No. 09/933,568. Application No. 09/933,568 has been abandoned in favor of the present application. Applicants request the Examiner to withdraw the provisional obviousness-type double patenting rejection and issue a notice of allowance for Claims 1-49.

### SUMMARY

The Examiner's sole basis for rejection of Claim 1-49 has been traversed, and Applicants respectfully assert that Claims 1-49 are in condition for allowance. Accordingly, Applicants request allowance of Claims 1-49. If there are any remaining issues that can be resolved by telephone conference, the Examiner is invited to call the undersigned attorney at (949) 721-6305 or at the number listed below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Oct 7, 2004

By: Lee W. Henderson  
Lee W. Henderson, Ph.D.  
Registration No. 41,830  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404